



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
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AMARAVATI, WEDNESDAY, AUGUST 23, 2023

G.656

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**ADDITIONAL SENIOR CIVIL JUDGE'S COURT
TENALI.**

Friday, this the 23rd day of June, 2023

Insolvency Petition No. 7 of 2023

Between :

Nukala Koteswara Rao, S/o.Subba Rao, aged about 61 years, Hindu, R/o.D.No.6-25, Beside Sub-Registrar office, Chebrolu village and Mandal, Guntur District, Tenali JCJC.

...Petitioner

And

1. Kutumba Ravi, S/o.Srimannarayana aged about 43 years, Hindu, Finance Business, R/o.d.No.8-192, Opposite GDCC Bank, Chebrolu village and Mandal, Guntur District, Tenali JCJC.
2. Peddhaprolu Krishna Kumar W/o.Malleswara Rao, aged about 52 years, Hindu, Finance Business r/o.Naayi Brahmalla Veedhi, Chebrolu village and Mandal, Guntur District, Tenali JCJC.
3. Uppalachi Gopi S/o.not known aged about 45 years, Hindu, Tiffin Center and Finance Business, Gollapalem, Chebrolu village and Mandal, Guntur District, Tenali JCJC.

4. Thiruveedhula Durga Prasad, S/o.Subbarao, aged about 54 years, Hindu, Business, R/o.D/No.7-31, Near Ramulammathalli gudi, Chebrolu village and Mandal, Guntur District, Tenali JCJC.
5. Vasireddy Venkatappaiah, S/o.Narasimharao, aged about 55 years, Hindu, Finance business, R/o.Kothapet, Chebrolu village and Mandal, Guntur District, Tenali JCJC.
6. Galla Koteswarao S/o.Sambaiah, aged about 40 years, Hindu, Finance Business, R/o.D/No.6-76, Chebrolu village and Mandal, Guntur District, Tenali JCJC.
7. Pelluri Subbarao, S/o.Seethaiah, aged about 55 years, Hindu, Finance Business, Gollapalem Bazaar, Chebrolu village and Mandal, Guntur District, Tenali JCJC.
8. Noor Basha Khadar Mastan S/o.Noor Basha Meeravali, aged about 41 years, Muslim, Tailoring shop, Sharaaff Bazar, Tenali, Guntur District, Tenali JCJC.
9. Sanka Srinivasarao, S/o.Lakhsminarayana, aged about 54 years, Finance Business, R/o.D/No.4-5, Kolakaluru village, Guntur District, Tenali JCJC.
10. Desu Sarada W/o.Srinivasarao, aged about 55 years, Hindu, Cloth Business, R/o.D.No.16-40-4, Bhupathi Vari Veedhi, Salipet, Tenali, Guntur District, Tenali JCJC.
11. Ganji Eswararao, S/o.Srimannarayana, aged about 47 years, Hindu, Cloth Business, R/o.D/o.18-4-20, Salipet, Tenali, Guntur District, Tenali JCJC.

...Respondents

This Insolvency Petition is coming on 19.06.2023 before me for hearing in the presence of Sri A.Pinna Rao, Advocate for Petitioner and Respondents 1 to 11 remained set exparte and upon hearing and considering the material on record, having stood over for consideration till this day, this Court made the following:

:: ORDER ::

1. This insolvency petition is filed under Section 10 of Provincial Insolvency Act, 1920 to adjudicate the petitioner is as an insolvent ; to grant interim protection to the petitioner from the highhandedness of all the respondents therein ;and to award costs of the petition.

2. The case of the petitioner in a nutshell is as follows:

The petitioner and the respondents are known to each other. The petitioner initiated cloth business and sweet shop at petitioner's house at Chebrolu, Guntur District, since 2016. Due to lack of business knowledge and due to lack of education, the petitioner sustained loss in his business. The petitioner started to

borrow the amounts from respondents and to run the business. The petitioner borrowed amounts from professional lenders who none other than the respondents herein on high rate of interest. The interest rate for those amounts is more than Rs.10/- per month per every hundred to Rs.30/- interest per month per every hundred rupees. Gradually the petitioner financial status was scooped down to earth and he was financially collapsed and in the meanwhile he and his family suffered from Covid-19 affect in the year 2020 and 2021 and he could not do proper business and he was financially collapsed. Now the petitioner and his family is facing starvation due to financial stringencies. The respondents are harassing the petitioner and his family members for their amounts. The members of the petitioner are leading their days under fear of life threat in the hands of the respondents. The volume of harassment against the petitioner in the hands of the respondents is arrived to an unbearable state. The petitioner understood that he has no other way except to file this petition before this Hon'ble Court to his life security from the illegal and highhanded hands of his respondents. The petitioner is not having any movable or immovable properties on his name or in his possession and no sale transactions of any property of the petitioner were taken place within period of one year prior to filing of this petition. The petitioner has not filed any similar petitions before any Court of law and there is no collusion between the petitioner and the respondents in filing this petition. Hence, this petition is filed.

3. The respondents 1 to 11 remained *ex parte* on 21.04.2023 to this proceedings though they received notice from this Court.
4. On behalf of the petitioner, petitioner was examined as PW1 and no documents were admitted through him.
5. Heard petitioner's counsel. Perused the material available on record.
6. Now the point for determination is:

Whether the petitioner can be adjudicated and to declare as an insolvent as prayed for?

7. **POINT :**

I) Sec.10 of the Provincial Insolvency Act specifies the conditions on which the debtor may present petition. A debtor shall be entitled to present in Insolvency Petition only:-

1. When he is unable to pay his debts; or
 2. When his debts are more than his assets; or
 3. When he is under arrest or imprisonment in execution of the decree of any Court for the payment of money ; or
 4. When an order of attachment in execution of such a decree has been made, and is subsisting against his property.
- ii) The case of the petitioner is that the petitioner have done cloth business and sweet shop at his house at Chebrolu village. The petitioner did not choose to submit any documentary evidence or any other evidence to establish the fact that he has done the business since 2016. It is also an admitted fact that there is no whisper in the pleadings and evidences about the quantum of loss sustained to them. However, facts which are pleaded and averred by the petitioner that they sustained loss due to health problem, Covid-19 pandemic and lack of experience in the business was remained unchallenged due to non-filing of counter and in view

of non-cross examination of PW1.

iii) In fact, there is no whisper in his evidence about the quantum of amounts borrowed from the respondents by way of pleadings though he got mentioned in A schedule as Rs.17,45,000/-. Therefore, the unchallenged evidence adduced by the PW1, the schedule given by petitioner A- schedule shows they became due of Rs.17,45,000/- to respondents 1 to 11 whereas B-schedule shows they are having wearing apparels worth of Rs.1600/-. Therefore, the unchallenged evidence of PW1 and the pleadings of the petitioner coupled with schedule given by him clearly shows they became due to the respondents to the tune of Rs.17,45,000/- and he is not in a position to discharge the said debts. Hence, he is entitled to declare as an insolvent.

iv) In fact, the petitioner also sought for relief of to grant interim protection from being arrested in any proceedings. The same cannot be granted in this proceedings as already the proceedings came to an end. If he declared as insolvent, he will certainly entitled for the protection from being arrested in any civil proceedings for the recovery of amount. Therefore, this petition is to be allowed.

8. In the result, the petition is allowed without costs and the petitioner is adjudicated as insolvent and he shall apply for discharge within six months. The properties of the petitioner are vested with the Official Receiver, if any. Office is directed to communicate a copy of this order to the Official Receiver. Office is directed to communicate a copy of this order and draft Gazette to the District Collector, Guntur along with draft gazette for publication in Official Gazette as per Section 30 of Provincial Insolvency Act, 1920.

(Typed to my dictation by the Personal Assistant, corrected and pronounced the operating portion of the order by me in open Court. this the 23rd day of June, 2023.)

MARUPU SREEDHAR,
Additional Senior Civil Judge,
Tenali.

Appendix of Evidence
Witnesses Examined

For Petitioner:

P.W.1- Nukala Koteswarao

For Respondent:

- Exparte -

Exhibits Marked

For Petitioner:

Nil

For Respondent :

Nil

MARUPU SREEDHAR,
Additional Senior Civil Judge,
Tenali.

ADDITIONAL SENIOR CIVIL JUDGE'S COURT
TENALI.

Insolvency Petition No. 7 of 2023

Between:

Nukala Koteswara Rao,

...Petitioner

And

1. Kutumba Ravi,
2. Peddhaprolu Krishna Kumar
3. Uppalachi Gopi
4. Thiruveddhula Durga Prasad,
5. Vasireddy Venkatappaiah,
6. Galla Koteswarao
7. Pelluri Subbarao,
8. Noor Basha Khadar Mastan
9. Sanka Srinivasarao,
10. Desu Sarada
11. Ganji Eswararao,

...Respondents

NOTICE

Notice is hereby given under Section 10 of the Provincial Insolvency Act, 1920 that the petitioner prays to adjudicate him as an insolvent and the said petition is allowed.

Dated this the 23rd day of June, 2023.

MARUPU SREEDHAR,
Additional Senior Civil Judge,
Tenali.
[Dis.No.531.]

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